

# HOUSE BILL 1391

F1, B5

2lr2864

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By: Delegates Conway, Bates, Beitzel, Bohanan, Busch, Clagett, DeBoy, Eckardt, Gaines, Griffith, Gutierrez, Guzzone, Hixson, Jones, Malone, McConkey, McIntosh, Mizeur, Proctor, Sophocleus, Stocksedale, Washington, Wood, ~~and Zucker~~ Zucker, Aumann, Glenn, Haynes, James, and Szeliga

Introduced and read first time: February 24, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, March 5, 2012

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public School Construction Program – Maryland School for the Blind**

3 FOR the purpose of making the Maryland School for the Blind eligible for certain  
4 school construction funding under the Public School Construction Program for  
5 certain fiscal years, notwithstanding a certain provision of law and subject to  
6 certain regulations; requiring the Board of Public Works to adopt certain  
7 regulations; prohibiting the amount of funds allocated to the Maryland School  
8 for the Blind from being used in determining the total amount of funds allocated  
9 for certain projects in Baltimore City and Baltimore County; specifying that this  
10 Act may not preclude the Maryland School for the Blind from receiving and  
11 using certain funds allocated to it in the State's capital budget; and generally  
12 relating to including the Maryland School for the Blind in the Public School  
13 Construction Program.

14 BY adding to

15 Article – Education

16 Section 8–319

17 Annotated Code of Maryland

18 (2008 Replacement Volume and 2011 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



## 1 Preamble

2 WHEREAS, The Maryland School for the Blind is a body corporate of the State,  
3 the charter of which was established on May 19, 1853, and is governed in accordance  
4 with § 8–314 of the Education Article; and

5 WHEREAS, The mission of the Maryland School for the Blind is to serve  
6 Maryland’s blind and visually handicapped students; and

7 WHEREAS, The Maryland School for the Blind serves 73% of Maryland’s 1,800  
8 children who are blind and visually impaired through its on–campus and statewide  
9 outreach programs; and

10 WHEREAS, The Maryland School for the Blind provides outreach services to  
11 1,100 blind and visually impaired students, families, and local school professionals in  
12 each of Maryland’s 24 jurisdictions; and

13 WHEREAS, Approximately 200 students attend school on the Maryland School  
14 for the Blind’s campus located in northeastern Baltimore City; of those, half are day  
15 students while the remaining, due to geographic distance or level of disability and  
16 need, spend 5 nights a week as residential students; and

17 WHEREAS, Every student enrolled at the Maryland School for the Blind has an  
18 individualized education program (IEP) and is placed by his or her local school system  
19 with parental consent in compliance with the Individuals with Disabilities Education  
20 Act, after determination is made that the Maryland School for the Blind is the “least  
21 restrictive environment” and is an appropriate setting where the student’s IEP needs  
22 can be met; and

23 WHEREAS, There are students served on–campus with multiple disabilities,  
24 such as autism and blindness, who require a different education setting to be able to  
25 meet their IEP requirements; and

26 WHEREAS, The average cost per student served at the Maryland School for the  
27 Blind ranges from \$125,000 to \$175,000 depending on the amount of special education  
28 and related services the student requires; and

29 WHEREAS, If the Maryland School for the Blind were not providing these  
30 highly specialized services to Maryland students, many “low functioning high need”  
31 students would need to be placed in out–of–state programs at costs ranging from  
32 \$350,000 to \$550,000 per student, annually; and

33 WHEREAS, Many of the buildings on the Maryland School for the Blind  
34 campus were constructed prior to the Individuals with Disabilities Education Act and  
35 were not designed for students with multiple disabilities and have very narrow  
36 doorways, inaccessible bathrooms, and no specialized equipment to assist in lifting or  
37 moving wheelchair–dependent students; now, therefore,

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Education**

4 **8–319.**

5 (A) NOTWITHSTANDING § 4–114 OF THIS ARTICLE AND SUBJECT TO  
6 REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS, FOR FISCAL YEARS  
7 2013 THROUGH 2028, THE MARYLAND SCHOOL FOR THE BLIND SHALL BE  
8 ELIGIBLE FOR FUNDING UNDER THE PUBLIC SCHOOL CONSTRUCTION  
9 PROGRAM IN ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THIS ARTICLE.

10 (B) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS FOR  
11 FUNDING SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENTS AT  
12 THE MARYLAND SCHOOL FOR THE BLIND IN ACCORDANCE WITH THE  
13 REQUIREMENTS SET FORTH IN TITLE 5, SUBTITLE 3 OF THIS ARTICLE THAT  
14 APPLY TO SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENT  
15 PROJECTS FUNDED FOR COUNTY BOARDS OF EDUCATION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the amount of funds  
17 allocated to the Maryland School for the Blind under this Act may not be used in  
18 determining the total amount of funds allocated for public school construction or  
19 public school capital improvements in Baltimore City and Baltimore County.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be  
21 construed to preclude the Maryland School for the Blind from receiving and using  
22 other funds allocated to the school in the State’s capital budget.

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 June 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.